

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

Plaintiff,
v.

CASE MANAGEMENT ORDER

Defendant.

Pursuant to the Order of the **Hon. William M. Skretny** referring this case to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16 of the Local Rules of Civil Procedure for the Western District of New York, it is **ORDERED** that:

1. In accordance with Section 2.1A of the Plan for Alternative Dispute Resolution,¹ this case has been referred to mediation.

2. Motions to opt out of ADR shall be filed no later than .

3. Compliance with the mandatory requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure will be accomplished no later than .

¹ A copy of the ADR Plan, a list of ADR Neutrals, and related forms and documents can be found at <http://www.nywd.uscourts.gov> or obtained from the Clerk's Office.

4. The parties shall confer and select a Mediator, confirm the Mediator's availability, ensure that the Mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court no later than .

5. All motions to join other parties and to amend the pleadings shall be filed no later than .

6. The initial mediation session shall be held no later than .

7. All fact depositions shall be completed no later than .

8. Plaintiff shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than . Defendant shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than .

9. All expert depositions shall be completed no later than .

10. All discovery in this case shall be completed no later than .

11. Dispositive motions shall be filed by all parties no later than . See *generally* Local Rule 7.1(c); 56. Such motions shall be made returnable before Judge Skretny unless the referral order grants the Magistrate Judge authority to hear and report upon dispositive motions. The parties are directed to provide a courtesy copy of all motion papers to the Judge who will be hearing the motion.

12. In the event that no dispositive motions are filed, a Status Conference is set for . before Judge Schroeder. The parties may participate by phone upon advance notice to chambers. The Court will initiate the call.

13. Mediation sessions may continue, in accordance with Section 5.11 of the ADR Plan, until . The continuation of mediation sessions shall not delay or defer other dates set forth in this Case Management Order.

14. No extensions of the above dates will be granted except upon written application showing good cause for the extension.

15. Sanctions: Counsel's attention is directed to Fed.R.Civ.P. 16(f) calling for sanctions in the event of failure to comply with any direction of this Court.

SO ORDERED.

DATED: Buffalo, New York

H. KENNETH SCHROEDER, JR.
United States Magistrate Judge